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24197 7590 06/29/2007  
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EXAMINER

NGUYEN, NAM V

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

06/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/644,641

Applicant(s)

HELLEBUST ET AL.

Examiner

Nam V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24,27-39,41 and 43-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24,27-39,41,43-51,53 and 54 is/are rejected.
- 7) ☒ Claim(s) 52 and 55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is in response to applicant's Amendment filed November 27, 2006 by a request for continued examination filed March 19, 2007.

Claims 24, 27-39, 41 and 43-55 are pending.

#### ***Response to Arguments***

Referring to claims 24, 27, 29-39, 43-49, 51 and 53-54, Janow discloses the unified message announcing system includes a pager 21 to receive a voice, e-mail and plurality of other types of electronic messages (column 3 lines 4 to 21; see Figure 1). The pager 21 receives a plurality of messages of a first format (i.e. a voice messaging 10) and receives messages of a second format (i.e. e-mail messaging 11) (column 3 lines 53 to 53; see Figure 1). Clearly, the pager 21 receives a plurality of messages of a plurality of types of messaging. Furthermore, Deluca et al. and Segur disclose a memory configured to receive at least one message-classification rule input into the memory by a user of the wireless device, the message-classification rule being at least for prioritizing the messages. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize a memory contains a message classification rule being at least for prioritizing the messages taught by Segur in a unified message announcing multi-service device of Janow in view of Deluca et al.

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because prioritizing the message in the memory would create the unified message announcing multi-service notifier device to display the relevant information in a short period of time.

Furthermore, it is appears that a telephonic interview or consultation would not result in expediting the case. It is desirable that the attorney or applicant indicate in advance what issues he or she desires to discuss at the telephone interview by submitting, in writing, a proposed amendment. This would permit the examiner to prepare in advance for the interview and to focus on the matters set forth in the proposed amendment (see MPEP 408).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24, 27, 29-39, 43-49, 51 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janow (US# 6,061,570) in view of Deluca et al. (US# 5,784,001) and Segur (US# 6,212,550).

Referring to claims 24, 37, 43-44 and 51 Janow discloses a wireless communication device (21) (i.e. a pager) (column 1 lines 43 to 63; see Figures 1 and 3), comprising:

a receiver (210) (i.e. a RF section) configured to receive a plurality of messages of a first format (10) (i.e. voice messaging) and a plurality of messages of a second format (20) (i.e. a paging system) (column 2 lines 30 to 40; see Figures 1 to 3); and

a memory (212) (i.e. a storage memory) configured to receive at least one message-classification rule (i.e. criteria) (column 2 lines 41 to 66; column 3 lines 4 to 21; see Figures 2 to 3);

a processor (211) (i.e. a digital processor) connected to the receiver (210) and to the memory (212), the processor (211) being configured to determine, based on the at least one input message-classification rule (i.e. criteria), classification information for the plurality of messages of the first format and the plurality of message of the second format (column 3 lines 22 to 29; see Figure 3);

a display (213) connected to the processor (211) and configured to present classification information (i.e. the message's originator or the message's type) associated with the messages of the first format (10) (i.e. voice messaging) and the second format (20) (i.e. a paging system) (column 2 lines 30 to 40; column 3 lines 4 to 21; see Figures 1 to 3).

However, Janow did not explicitly disclose a message-classification rule input into the memory by a user of the wireless communication device, the message-classification rule being at least for prioritizing the message.

In the same field of endeavor of a wireless communication device, Deluca et al. teach that a message-classification rule (i.e. a code format or key words recognition) input into the memory (155) (i.e. a graphics database in ROM 135) by a user of the wireless communication device (100) (i.e. a data communication receiver) (column 5 line 66 to column 6 line 61; see Figures 1-2

and 13-23) in order to provide a convenient dissemination of programming information without requiring that each user bring his or her data communication receiver into a service center for individual reprogramming.

One of ordinary skilled in the art recognizes the need for the user of the data communication receiver programs code formats in the database taught by Deluca et al. in a multi-service notifier device of Janow because Janow suggests it is desired to provide that a multi-service notifier device able to receive plurality of message formats including telephone, internet messaging and e-mail messaging on a conventional telephone line and to analyze messages against plurality of criteria in a storage unit (column 2 line 9 to 20; column 3 line 4 to 21) and Deluca et al. teach that user has ability to program the code formats for display by a control unit (column 3 lines 1 to 17; column 5 line 67 to column 6 line 36) in order to have a flexibility of displaying incoming messages and easy to understand by the user. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have the user of the data communication receiver programs code formats in the database taught by Deluca et al. in a multi-service notifier device of Janow with the motivation for doing so would have been to provide a convenient dissemination of programming information by a user of a multi-service notifier device.

However, Janow in view of Deluca et al. did not explicitly disclose the message-classification rule being at least for prioritizing the message.

In the same field of endeavor of a wireless communication device, Segur teaches a memory contains a message-classification rule being at least for prioritizing the message (column 3 lines 44 to 55; column 4 lines 2 to 9) in order to receive and review messages quickly.

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize a memory contains a message classification rule being at least for prioritizing the messages taught by Segur in a unified message announcing multi-service device of Janow in view of Deluca et al. because prioritizing the message in the memory would create the unified message announcing multi-service notifier device to display the relevant information in a short period of time.

Referring to claim 27, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 25, Janow discloses wherein the processor (211) is configured to produce updated classification information, and the display is configured to present the updated classification information (column 2 lines 41 to 66; column 3 lines 4 to 21; see Figures 2 to 3).

Referring to claim 29, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 25, Janow discloses wherein the classification information includes information about an origin (i.e. the message's originator) of at least one received message (column 3 lines 14 to 21; see Figures 1 and 3).

Referring to claim 30, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 24, Janow discloses wherein the receiver (21) is configured to receive a plurality of messages of a third format (11) (i.e. e-mail messages) (column 2 lines 8-40; see Figure 1).

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Referring to claim 31, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 24, Janow discloses where the first format is a voice mail format (10) (i.e. voice messaging) (column 2 lines 8 to 19; column 2 lines 30 to 40; see Figure 1).

Referring to claim 32, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 24, Segur discloses wherein the first format is a fax format (column 2 lines 2 to 26; see Figure 1) in order to receive variety of communication formats.

Referring to claim 33, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 24, Janow discloses where the first format is an e-mail format (11) (i.e. e-mail messaging) (column 2 lines 8 to 19; column 2 lines 30 to 40; see Figure 1).

Referring to claim 34, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 24, Janow discloses where the first format is a paging format (20) (i.e. paging system) (column 2 lines 16 to 19; see Figure 1).

Referring to claim 35, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 24, Janow discloses where the first format is a short message service format (30) (i.e. telephone service) (column 2 lines 8 to 19; see Figure 1).



Referring to claim 36, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 24, Janow discloses where the first format is based on a Wireless Markup Language (13) (i.e. internet messaging) (column 2 lines 8-19; see Figure 1).

Referring to claim 38, Janow in view of Deluca et al. and Segur disclose a network device of claim 37, Deluca et al. disclose further comprising a transmitter (335) (i.e. transmitter of a terminal 305) configured to transmit the message classification (i.e. a radio signal with code) (column5 lines 16 to 65; see Figures 11 and 12).

Referring to claim 39, Janow in view of Deluca et al. and Segur disclose a network device of claim 38, Deluca et al. disclose wherein the transmitter (335) (i.e. transmitter of a terminal 305) is configured to transmit the received message (i.e. a radio signal) to the wireless network user (i.e. a subscriber of the data communication receiver 100) (column5 lines 16 to 65; see Figures 11 and 12) in order to provide information and to program the data communication receiver.

Referring to claims 45-47, Janow in view of Deluca et al. and Segur disclose a network device of claim 24, Deluca et al. disclose the codes and image data associated therewith can be programmed into the receiver 110 by the controls 140 over-the-air (column 3 lines 4 to 17). Therefore, the memory is configured to receive the at least one message rule by calling into a conventional interactive voice-response system in order to conveniently added to the database with new message classification.

Referring to claim 48, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 24, Deluca et al. disclose where the at least one message rule facilitates searching of messages, incoming into the wireless communication device, for key words or phrases (column 6 lines 19 to 36; see Figures 14-15) in order to have an alternative of displaying incoming messages and to understand the incoming message quickly by graphical images.

Referring to claim 49, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 24, Deluca et al. disclose where the at least one message rule facilitates classification of messages, incoming into the wireless communication device (100), based on one or more of type of message (i.e. type of icon) at which message is received (column 6 line 62 to column 7 line 35; see Figures 18 to 23) in order to have an alternative of displaying incoming messages and to understand the incoming message quickly by graphical images.

Referring to claim 49, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 24, Deluca et al. disclose wherein the memory (155) (i.e. a database of a data communication receiver 100) is further configured to receive the at least one message rule by the user calling into an interactive voice response system.

Referring to claim 53, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 24, Janow discloses wherein the wireless device comprises the

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database memory (212) (i.e. storage memory) connected to the processor (211) (column 2 lines 55 to 59; see Figures 3-4).

Referring to claim 54, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 24, Deluca et al. disclose further comprising a message memory (125) connected to the processor (120), wherein the processor stores, in the message memory (125), incoming messages organized according to the respective classification information determined by the processor (120) for the messages (column 2 lines 32 to 37; column 4 lines 25 to 32; see Figures 1 and 9).

Claims 28, 41 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janow (US# 6,061,570) in view of Deluca et al. (US# 5,784,001) and Segur (US# 6,212,550) as applied to claims 24 and 37 above, and in view of Keyworth II et al. (US# 5,579,472).

Referring to claims 28 and 41, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claims 24 and 37, however, Janow in view of Deluca et al. and Segur did not explicitly disclose wherein the processor is configured to produce an updated message count associated with the message classification.

In the same field of endeavor of a wireless communication device, Keyworth II et al. teach that the processor (21) is configured to produce an updated message count (50e) (i.e. updated status of number incoming messages) associated with the message classification (i.e.

type) (column 4 lines 31 to 41; see Figures 1-3) in order to notify the user how many incoming messages received from each individual.

One of ordinary skilled in the art recognizes the need to add a counter to updated message received taught by Keyworth II et al. in a multi-service notifier device of Janow because Janow suggests it is desired to provide that a multi-service notifier device able to receive plurality of message formats including telephone, internet messaging and e-mail messaging on a conventional telephone line (column 2 line 9 to 20; see Figure 1) and Keyworth II et al. teach that an apparatus able to display the number of new messaged received (column 4 lines 31 to 41) in order to have a successful communication and display for reviewing new messages. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add a counter to updated message received taught by Keyworth II et al. in a multi-service notifier device of Janow in view of Deluca et al. and Segur with the motivation for doing so would have been to provide an additional service of a multi-service notifier device.

Referring to claim 50, Janow in view of Deluca et al. and Segur disclose a wireless communication device of claim 24, Keyworth II et al. disclose wherein the at least one message rule facilitates grouping of messages, incoming into the wireless communication device, based on a nested category (i.e. type of incoming messages) (column 5 line 38 to column 6 line 9; see Figures 3-4) in order for display each message according to each type of incoming messages.

*Allowable Subject Matter*

Claims 52 and 55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 52, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein the database memory is associated with the wireless infrastructure at a location separate from the wireless device.

Referring to claim 55, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein the processor is further configured to: update the display to reflect receipt of the message, determine, based on the classification information determined for the received message and according to the at least one message-classification rule, whether the received message is of sufficient priority, and if the message is of sufficient priority, alert the user.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Examination under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the

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organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen  
June 25, 2007



BRIAN ZIMMERMAN  
PRIMARY EXAMINER